

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1231-PWS-E **TCEQ ID:** RN102690971 **CASE NO.:** 34327
RESPONDENT NAME: City of Granbury

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Granbury PWS, 401 North Park Street, Granbury, Hood County</p> <p>TYPE OF OPERATION: Municipal public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable David Southern, Mayor, City of Granbury, PO Box 969, Granbury, Texas 76048 Mr. Alva Cox, Director of Public Works, City of Granbury, PO Box 969, Granbury, Texas 76048 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 10, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 12, 2007 (NOE)</p> <p>Background Facts: This was a record review investigation.</p> <p>WATER</p> <p>Exceeded the maximum contaminant level of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") during the fourth quarter of 2006 and the first quarter of 2007, based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.091 mg/L for the fourth quarter of 2006 and 0.104 mg/L for the first quarter of 2007 [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$715</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$715</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 365 days after the effective date of this Agreed Order, the City shall return to compliance with the running annual average MCL of 0.080 mg/L for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; and</p> <p>b. Within 380 days after the effective date of this Agreed Order, the City shall submit written certification, including photographs, receipts, or other information to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): PWS 1110001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	23-Jul-2007	Screening	27-Jul-2007	EPA Due	30-Nov-2007
	PCW	30-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Granbury		
Reg. Ent. Ref. No.	RN102690971		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34327	No. of Violations	1
Docket No.	2007-1231-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 18% Enhancement Subtotals 2, 3, & 7 **\$90**

Notes: The compliance history enhancement is due to two prior Notices of Violation for violations that are the same as the violations in the current enforcement action and for four NOV's containing dissimilar violations.

Culpability 25% Enhancement Subtotal 4 **\$125**

Notes: The City received three alert letters, dated July 22, 2004, September 21, 2004, and September 27, 2005, warning that further TTHM exceedances would result in a formal enforcement action.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

0% Enhancement* Subtotal 6 **\$0**
 *Capped at the Total EB \$ Amount
 Total EB Amounts **\$585**
 Approx. Cost of Compliance **\$5,000**

SUM OF SUBTOTALS 1-7

Final Subtotal **\$715**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$715**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$715**

DEFERRAL

0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is offered when culpability has been determined.

PAYABLE PENALTY

\$715

Screening Date 27-Jul-2007

Docket No. 2007-1231-PWS-E

PCW

Respondent City of Granbury

Policy Revision 2, (September 2002)

Case ID No. 34327

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102690971

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here-	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government; or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 18%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The compliance history enhancement is due to two prior Notices of Violation for violations that are the same as the violations in the current enforcement action and for four NOVs containing dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 18%

Screening Date 27-Jul-2007

Docket No. 2007-1231-PWS-E

PCW

Respondent City of Granbury

Policy Revision 2 (September 2002)

Case ID No. 34327

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102690971

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Exceeded the maximum contaminant level of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") during the fourth quarter of 2006 and the first quarter of 2007, based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.091 mg/L for the fourth quarter of 2006 and 0.104 mg/L for the first quarter of 2007.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 50%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The exceedances have resulted in customers of the water supply being exposed to significant amounts of TTHM, which do not exceed levels that are protective of human health.

Adjustment \$500

\$500

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$500

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$585

Violation Final Penalty Total \$715

This violation Final Assessed Penalty (adjusted for limits) \$715

Economic Benefit Worksheet

Respondent City of Granbury
Case ID No. 34327
Reg. Ent. Reference No. RN102690971
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	1-Oct-2006	1-Feb-2009	2.3	\$585	n/a	\$585

Notes for DELAYED costs

The delayed cost includes the amount to implement an alternate disinfection method to reduce or eliminate the TTHM levels, calculated from the beginning of the fourth quarter of 2006 to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$585

Compliance History

Customer/Respondent/Owner-Operator:	CN600448641	City of Granbury	Classification: AVERAGE	Rating: 2.46
Regulated Entity:	RN102690971	CITY OF GRANBURY PWS	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1110001
	WATER LICENSING		LICENSE	1110001
Location:	401 N PARK ST, GRANBURY, TX, 76048			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	July 24, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 24, 2002 to July 24, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 10/21/2002 (12959)
- 2 10/22/2003 (247676)
- 3 11/24/2003 (254852)
- 4 03/10/2004 (263690)
- 5 10/21/2004 (333554)
- 6 12/28/2004 (341857)
- 7 01/06/2006 (450043)
- 8 07/05/2006 (483181)
- 9 12/04/2006 (518965)
- 10 01/17/2007 (567192)
- 11 05/18/2007 (567333)
- 12 07/16/2007 (567475)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 10/15/2002 (12959)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all distribution system lines and related appurtenances in a watertight condition. In this connection, the chlorine booster pump located at the Knox # 1 well site, and the influent line to the 140,000 gallon ground storage tank at Pump Station # 1 must be repaired or replaced as necessary.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)

Description: Failure to calibrate on-line turbidimeters with primary standards at least once every 90 days.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)

Description: Failure to verify the calibration of the on-line turbidimeters.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(i)
Description: Failure to calibrate the benchtop turbidimeters with primary standards at least once every 90 days.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(ii)
Description: Failure to check the calibration of the benchtop turbidimeter with secondary standards each time a series of samples is tested and, if necessary, recalibrated with primary standards.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to verify the accuracy of manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
Description: Failure to calibrate the continuous disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)
Description: Failure to check the calibration of continuous disinfectant residual analyzers at least once each month with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the result of approved benchtop amperometric, spectrophotometric, or titration method.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate the raw water and finished water flow measuring devices at least once every 12-months.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(4)
Description: Failure to begin on January 1, 2002, for systems serving fewer than 10,000 people, monitoring the turbidity of the water produced by individual filters by continuously monitoring turbidity levels with an on-line turbidimeter or measuring the turbidity level in grab samples with a benchtop turbidimeter.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)[G]
Description: The City of Granbury failed to submit plans for the 500,000 gallon elevated storage tank prior to construction.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)[G]
Description: Failure to ensure that the total treatment process at the surface water treatment plant achieves at least 99.9% (3-log) inactivation or removal of Giardia lamblia cysts and at least 99.99% (4-log) inactivation or removal of viruses before the water is supplied to any consumer.
Date: 10/17/2003 (247676)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)[G]
Description: Failure to take daily chlorine residual readings from representative locations in the distribution.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to provide a minimum pressure of 35 psi in the distribution.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. These practices should include the Ground Storage Tank at 2715 Acton Highway (Longhorn Boy Scout Camp).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to verify the accuracy of the manual disinfectant residual analyzers at least once every 30 days using chlorine solutions of known concentrations.
Date: 10/15/2004 (333554)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]
Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.
Self Report? NO Classification: Minor

Citation:	30 TAC Chapter 290, SubChapter D 290.42(k)		
Description:	Failure to provide an adequate plant operations manual which included procedures for the operation of the groundwater and distribution system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
Description:	Failure to provide an intruder-resistant fence in order to protect the E3-P Well.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
Description:	Failure to maintain all facilities in a watertight condition. Specifically the leaks located at well #11-P and line leak in the area just below the sludge lagoons.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(2)[G]		
Description:	Failure to construct all plant piping so as to be thoroughly tight against leakage. These locations included the piping and pumps immediately following the gravity filters, the area of the raw water pumps, and in the area of the EDR Units.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)		
Description:	Failure to provide an operational flow measuring device to measure the recycled decant water.		
Date:	01/05/2006	(450043)	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Violation of: ?290.41(c)(1)(F) Failure to secure the sanitary control easements for the Walnut Creek 1 (G1110001S) and Walnut Creek 2 (G1110001R) wells.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)		
Description:	Violation of: ?290.42(b)(5) Failure to maintain the air release device on the E4-P well (G1110001N) in a water-tight condition.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(i)		
Description:	Violation of: ?290.42(j) Failure to provide documentation indicating ANSI/NSF Standard 60 certification for the Chem-Floc polymer.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(k)		
Description:	30 TAC Chapter 290, SubChapter D 290.42(l) Failed to keep a thorough plant operations manual for operator review and reference.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)		
Description:	30 TAC Chapter 290, SubChapter D 290.46(n)(3) Failed to maintain copies of well completion data such as well material setting data, geological log, scaling information, disinfection, information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well kept on file as long as the well remains in service.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)		
Description:	Violation of: ?290.41(e)(2)(C) Failure to provide a 200' radius restricted zone around the raw water intake marked with signs and buoys.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.38(25)		
Description:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O) 30 TAC Chapter 290, SubChapter D 290.41(d)(4) Violation of: ?290.38(25) Failure to maintain the barbed wire on the intruder resistant fence at the E4-P well (G1110001N) site.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failed to maintain the public water system to ensure the good working condition and general appearance of the system's facilities and equipment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Violation of: ?290.46(m) Failure to remove an abandoned 55 gallon full drum of hydraulic fluid at the Walnut Creek 2 (G1110001R) well site.		
Date:	01/17/2007	(567192)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.113(f)(4)		

Description: Violated the maximum contaminant level for Trihalomethanes during the fourth quarter of 2006.

Date: 05/18/2007 (567333)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for Trihalomethanes during the first quarter of 2007.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF GRANBURY
RN102690971**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1231-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Granbury ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a municipal public water supply at 401 North Park Street in Granbury, Hood County, Texas (the "Facility") that has approximately 4,329 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about July 17, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Seven Hundred Fifteen Dollars (\$715) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Seven Hundred Fifteen Dollars (\$715) of the administrative penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have exceeded the maximum contaminant level of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") during the fourth quarter of 2006 and the first quarter of 2007, based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on July 10, 2007. Specifically, the running annual average concentration for TTHM was 0.091 mg/L for the fourth quarter of 2006 and 0.104 mg/L for the first quarter of 2007.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Granbury, Docket No. 2007-1231-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:

- a. Within 365 days after the effective date of this Agreed Order, the City shall return to compliance with the running annual average MCL of 0.080 mg/L for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; and
- b. Within 380 days after the effective date of this Agreed Order, the City shall submit written certification, including photographs, receipts, or other information to demonstrate compliance with Ordering Provision 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Disinfection By-Products Monitoring Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed

Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

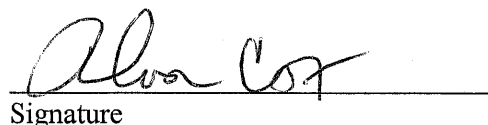
12/14/2007
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10-15-07
Date

Alva Cox

Name (Printed or typed)
Authorized Representative of
City of Granbury

Director of Public Works

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

